

## MEETING #33 – October 10

At a Regular Meeting of the Madison County Board of Supervisors on October 10, 2017 at 4:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman  
Jonathon Weakley, Vice-Chairman  
Robert Campbell, Member  
Kevin McGhee, Member  
Charlotte Hoffman, Member  
Jack Hobbs, County Administrator  
V. R. Shackelford, County Attorney  
Mary Jane Costello, Asst. County Administrator/Finance Director  
Jacqueline S. Frye, Deputy Clerk

### Call to Order

#### *Pledge of Allegiance & Moment of Silence*

#### 1. Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson advised that all members are present; a quorum was established. All members are present.

Chairman Jackson advised of the following additions to today's Agenda:

#### 8. New Business

##### Item 8b: Graves' Mountain Lodge – Festival Event Permit

Supervisor Hoffman moved that the Board approve the Agenda as amended, seconded by Supervisor Campbell. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

#### 2. Public Comment:

Chairman Jackson opened the floor for public comment.

The following citizen(s) provided comments:

- ✓ Joe May: Thanked VDOT for assessing Whippoorwill Road (met with Joel DeNunzio) – email forwarded to the Board members for review/assessment; questioned County personnel policy/procedures (i.e. Building Official and E911 Director) that are in place when key personnel is out of the office (i.e. personal leave/sick leave) suggested the County establish some precedence after the upcoming election; advised disfavor of continued discussions pertaining to Pete Elliott, Brightwood business, and suggested the same rules be applied to all business operations in the County
- ✓ Dan Painter (Madison Town Council): Provided information on a proposed sidewalk project (with VDOT) for the Town and County; project will involve rebuilding and extension of sidewalks in the Town to include the County. The project will call for an 80/20 match (VDOT paying 80% if the project is funded – County & Town would be responsible for the remaining 20%). He also advised that the program is a part of the Transportation Alternatives Program for funding of projects (excluding the six-year program) or the Safe Routes to Schools Program. In closing, he hopes that (through the Safe Routes to Schools Program portion of the funding program) can provide funding for most of the sidewalks being assessed. The deadline for submitting the application is November 1, 2017. VDOT will work closely with putting the package together. If funding isn't spent this year, the next time the locality can submit an application will be in 2019. In the event the County elects not to participate, the Town will plan to submit a package for the sidewalks within the Town to include the following:
  1. Church Street (Main Street to Autumn Court): Approximately 575' long; remove all existing sidewalk that is broken up; install new sidewalks on both sides of Church Street (cost  $75 \times 33.60 = \$19,320$ )
  2. Main Street (between Ruth Road and Washington Street): Approximately 235'; replace damaged/broken sidewalk on the east side of Main Street (cost  $235 \times 33.60 = \$7,896.00$ )
  3. Main Street (South) [end of existing sidewalk on west side of Main Street at the Dollar General Store to either the Day Care Center or Poplar Ridge apartments]: Two options for this project that include construction of new sidewalk
    - a. Town: Dollar General to Day Care – approximately 750' (cost  $750 \times 33.60 = \$25,200$ )
    - b. County: Day Care Center to Poplar Ridge Apartments – approximately 730' (cost  $730 \times 33.60 = \$24,528$ )

4. Main Street (North) [Waverly Yowell ES to Post Office] – approximately 1.950'; include construction of new sidewalk and street crossing on north end of Waverly Yowell property, new sidewalk to be constructed on the west side of Main Street except for short section in front of WYES (cost  $1,950 \times \$33.60 = \$65,000$ )

Totals: Town -  $\$19,320 + \$7,896 + \$25,200 = \$52,416$   
 VDOT/Local (80/20) -  $\$41,932.80/\$10,483.20$   
 County -  $\$24,528 + \$65,000 = \$89,528$   
 VDOT/Local (80/20) -  $\$72,622.40/\$17,905.60$   
 Combined Total:  $\$141,944$

Although the County may not be able to take action today, it was noted that another meeting will be held within two (2) weeks. All details and legwork for the proposed project will be initiated by VDOT. In closing, he advised that it's the hope of the Town to be able to move forward in a timely manner.

#### Comments from the Board:

- *Chairman Jackson: Town is looking for \$17,905.60 from the County; he questioned the need for easements and who will cover those costs when private property is involved; also questioned the slope (at the post office), private property, embankment and the cemetery that's already in place; also advised what will transpire if the County agrees to the proposal*

Mr. Painter advised that the costs of attaining easements will become a part of the overall project; VDOT will assess the existing right-of-way to see what can be done. He further advised that if there isn't enough right-of-way to implement an unattached sidewalk, VDOT will assess whether a sidewalk can be attached (i.e. no additional costs if sidewalk is initiated within the right-of-way). At this time, it's uncertain of the process (regarding costs to attain easements/right-of-way), but it's felt that if any costs are involved, it's felt these costs will be included in the overall project. It was further advised that the property owner (to the north side of the cemetery) [Willie Lamar] has advised that he is willing to relinquish right-of-way in order to have a sidewalk situated across his property, and it's anticipated that the trustees in charge of the cemetery will provide easement at no cost. It was also noted that the commercial property (Pat's Floral Design, Inc.) should be willing to have a sidewalk situated across the property. It was further explained that VDOT assesses all projects (statewide) on a monthly basis to assess which ones can be funded. In closing, he advised that the County/Town can terminate the project in the event the County isn't in agreement with facets of the proposal once the process has been initiated.

- *Supervisor Weakley: Questioned the schedule for the proposed project (i.e. month of the calendar year); advised favor of assessing funding during the budgetary process; also verbalized concerns regarding costs to attain easements; questioned if the proposed project will allow for any drainage and storm water concerns*

Mr. Painter advised that if the proposed project goes through the Safe Routes to School Program, and that the time frame may be sometime next year (2018), and will investigate this concern. In closing, he noted that (in his opinion), the project is relatively inexpensive, but also noted that VDOT doesn't usually approve funding on an immediate basis if a project isn't funded as a transportation enhancement project through the smart scale process.

- *Supervisor Campbell: Questioned why the Town feels today's proposal would be beneficial to the County; also referred to the process that the Farm Bureau had to undergo when the Main Street Project was underway in the County; feels that the Town (and County) should have been more concerned about the farmers in the County during the initial Main Street Project*

Mr. Painter advised that the issue pertaining to the Madison Farm Bureau was a matter of 'timing' and was through no fault of the Town of Madison (i.e. County was administering the Main Street Project). He also advised that this particular project will not impose any drainage issues (like most roadway projects) since there will be no increase in the amount of run-off. sidewalk run-off (unlike a roadway project) unless there is an existing issue with drainage in a particular area

- *Supervisor McGhee: Noted that (in his opinion) the proposed costs are conservative; advised favor to support the proposal 'as is' for now*

After discussion, it was the consensus of the Board to add the sidewalk proposal to the October Regular Meeting (#2) Agenda under "Old Business."

- *Supervisor Campbell: Advised that when ditches are removed, this effects the natural drainage in a location; also feels there will more than likely be some problems created with drainage (as seen along Main Street in certain locations)*

With no further comments being brought forth, Chairman Jackson closed the public comment opportunity.

#### 3. Constitutional Officers - None

#### 4. County Departments

**a. Social Services Director (Valerie Ward) – Healthy Families Program (for Madison County):** Valerie Ward, DSS Director, was present and advised that the number of children in foster care should decrease from about 70 to 40 by the end of the month. Although numbers may change, DSS staff is working very hard to take advantage of effective ways to keep the numbers down. Ms. Ward introduced Ms. Johanna Schuchert of Prevent Child Abuse Virginia, which is the entity that is responsible for administering funding to localities that participate in the Healthy Families Program.

In regards to the MOU that was presented by the Culpeper Department of Human Services, Ms. Ward questioned if the Board's decision was due to:

- ✚ *The County's intention to not have the program administered in Madison County (evidence program that specifically provides home-based services to families at risk of abuse);*

Or:

- ✚ *Was it the County's concern that there was no interest in a surprise request for significant funding*

She noted that conversations have continued with Healthy Families Virginia and Prevent Child Abuse Virginia to assess the possibility for the program to be administered by Madison County Department of Social Services and not an outside agency. Although she doesn't have a MOU to present to the Board at this time, she asked the Board for permission to continue conversations with the aforementioned agencies regarding the program so it will not disappear for the families in Madison County. Additionally, she referred to the level of 'in-kind' contributions that can be made within her department, and advised that the DSS Board has offered its support for her to look into providing HR management and part-time staff support in order to be in compliance with accreditation standards of the Healthy Families Program. In closing, she advised that she is willing to receive program training to ensure that her department is in compliance with the requirements of the program model so that local families can receive benefits.

**Comments from the Board:**

- *Chairman Jackson: Advised that the local health department did nothing with the proposed program; advised that the presentation provided (by Culpeper Human Services) indicated that the State would provide funding for this year with no guarantees for future funding of the program; feels it's hard for the County to reverse funding for these types of programs once they've been enacted; additional concerns focused on the fact that multiple organizations are providing similar services; concerns about the County entering into this type of program outside of the budget season; the County currently provides continued funding for the CSA program at a hefty level*

Ms. Ward advised that it's her understanding that there is a possibility that there would be no additional outlay in the coming months for this year. Johanna Schuchert of Prevent Child Abuse Virginia, was present and advised that the model of the Healthy Families model for Virginia model was developed by a national organization.

Highlights provided focused on:

- The implementation of the model (as utilized in Hampton, VA)
- 8,200 Communities have now decided to invest in the Healthy Families Program model
- Prevent Child Abuse Virginia has advocated (through the General Assembly) to attain funds through the State Department of Social Services' budget
- The State DDS has entered into a partnership with a fiscal agent in order to participate in the model
- PCAV has worked with several counties to identify who (in the locality) can serve as a fiscal agent and implement the program

It was further advised that Madison County will receive:

- \$84,736.00 in a sole source contract with an additional \$8,473.00 to be received to administer the program
- The County will be required to allocate \$12,710.00 as an 'in kind' match (to be met through the local DSS agency) to be contributed through office space and fiscal management of the funding
- Total funding to the County will be about \$94,000.00
- No additional cash requirement will be asked from the County

Ms. Schuchert advised that the County's program served 37 adults and 19 children (two moms were pregnant). Services are continuing for families that are experiencing many challenges that could eventually cause them to enter into the DSS system, which is clarification (for funding) that is being sought. Funding being discussed is in the state budget and will continue to be there, and her office has been advocating for these funds since 1992. In closing, she urged the County to consider supporting the Healthy Families Program.

**Comments from the Board:**

- *Supervisor Campbell: Verbalized disfavor of anything concerning (the County to provide) funding outside of the budgetary session; questioned the fact that if a department has available 'in kind' contributions in place, the county may have been providing too much funding to a particular department; noted that when individuals assume additional responsibilities, additional staff (and pay) is often requested; verbalized disfavor of expanding programs; verbalized concerns as to how tax dollars are spent; urged folks to try to help themselves*
- *Supervisor Weakley: Questioned if: 1) the Healthy Families Program will eliminate folks from entering the DSS system; 2) how would Prevent Child Abuse Virginia intervene; 3) are there any stats available for the program; 4) can the program be comparable with the Head Start Program (sometimes programs serve the same clients); 5) how can the County can meet the 'in kind' requirement (of \$12,000.00)*

Ms. Ward advised that if family intervention is done earlier (during pregnancy), this may keep a family from entering a crisis stage and the need for DSS assistance; early intervention will help DSS to better meet the needs of families and may also eliminate the number of foster care placements, thereby allowing funds to be utilized to support a more intense intervention unit.

Ms. Schuchert also advised that:

- A third party evaluation has been made regarding the program
- Statewide rate of child abuse (based on stats) indicate that 50% of women involved in the program report having been abused during childhood
- Abuse/neglect upon participants in the program (on a statewide level) is now .5% (down from 4.7% of families with similar characteristics)
- Second pregnancies are often delayed
- Healthcare is received by participants on a regular schedule
- Parents are more likely to complete their education and become gainfully employed
- Focus is made on empowering parents to become more self-sufficient and learn how to provide effective parenting skills
- Abusive behaviors are learned (from past experiences)
- Program provides emotional help, physical help and mental readiness for the family
- The Healthy Families Program is a home based program
- Head Start is a center based program
- A representative will meet with families in the home by the 3rd month after birth of a child
- The intensity of home based support is more than what other programs offer
- Visits are initiated weekly for the first six months in an effort to stabilize the family and to better understand what their needs are

Ms. Ward advised that 'in kind' can be utilized from:

- Safe & Stable Families grant funding (portion already established for the program) [\$3,500.00]
- DSS can provide administrative and HR support staff
- Program utilization
- Direct supervision of the family support arena (time/availability)

Additional Comments:

- *Supervisor Weakley: Concurred with comments (made by Supervisor Campbell) with regard to programs that work vs. expanding programs; accolades for the reduction in foster care placements; in favor of supporting a program that can help get folks going in the right direction*
- *Supervisor Campbell: Accolades to the DSS office; questioned why DSS seeks permission from the Board to participate in the Healthy Families Program if the Director feels her office can already provide 'in kind' support; advised disfavor of state and/or federal grant funding feels the government continues to take more and more from the taxpayers*
- *Chairman Jackson: Clarified that the only way DSS can attain the funding is if the County enters into a MOU with the recommended agency; he also questioned who else is involved in the proposed program*

Ms. Ward advised that no one is currently involved with the proposed program; patients are currently being seen at the health department and/or coming to the DSS office for Medicaid assistance. The proposed program will allow for services to be provided to parents and children through an evidenced based program that provides intensive support until children turn three years of age (and enroll in the Head Start Program).

Ms. Schuchert advised that the advocacy for funding to support the proposed program on a statewide level came from the private sector; representatives from Prevent Child Abuse Virginia went to the General Assembly in 1992 to advocate for funding to be allocated to the communities. She further clarified that the funds aren't state dollars, but federal money passed through which is used for the purpose of supporting families with special challenges.

- *Chairman Jackson: Noted that the funding for the proposed program still consists of 'tax dollars'*
- *Supervisor Hoffman: Verbalized concerns that the foster care numbers will drop, but may ultimately increase; questioned if the DSS staff will continue to have time to devote to the Healthy Families Program on the event foster care numbers increase again*

Ms. Ward advised that her current staff will not be able to solely manage the program, but the part-time family support worker will be tasked with providing preliminary conversations, and will be the one providing services for the program under the DSS agency, which she sees as being added as a 'preventative unit' within her department.

- *Kevin McGhee: Verbalized concerns that the initial proposal called for a long-term financial commitment (from the County); initial presentation didn't provide a factual return investment for the County; feels that \$94,000.00 spent to promote healthy families would be an asset*

After discussion, it was the consensus of the Board to move this topic to "Old Business" at the October Regular Meeting (#2).

- *Supervisor Weakley: Questioned if the program would run for a calendar year or a fiscal year*

Mr. Schuchert noted that the program operates on a fiscal year, and that the proposed funding will be available through June 30, 2017. Funding for the new year would be entered in for the next fiscal year. She further advised that data is kept on file for all families (\$3,500 per family) involved in the program. A benchmark study was done in Hampton, VA which showed that child abuse cases and foster care placements did crease as a result of utilization of the Healthy Families Program.

**b. EMS – Lewis Jenkins, Director:** Lewis Jenkins, EMS Director, was present and advised that the new ambulance will be ready next week – he will be traveling to New York to pick up the vehicle. He further advised that the purchase was partially funded by way of a grant. In closing, he advised that two (2) full-time EMS employees have been deployed to provide hurricane relief (i.e. Florida and Puerto Rico) and that it was uncertain when they will return (i.e. will affect the departmental budget).

**c. Madison County Schools:** Bob Chappell (School Board) was present and advised that reading scores are improving at Waverly Yowell Elementary School; recent tasked based testing yielded a reading score of 72% which the State has noted shows considerable progress and will warrant partial accreditation. Reference was made to the CTE programs being offered that were offered at the Piedmont Vocational Center in the past (i.e. cosmetology, engineering, construction trades, computer aided grafting, business education, agriculture education, computer programming and cyber security). The Board was invited to tour the high school and Waverly Yowell Elementary School on 11/3/17 at 8:30 a.m. The school system will be receiving \$69,000.00 as a security grant – these funds will be used to replace radios and to enhance the school entry process in place at the high school. Online paper survey will be made available shortly to receive public input pertaining to the search for a new superintendent. The selection process will be underway in November and will include the current and incoming school board members.

#### Comments from the Board:

- *Supervisor Weakley: Thanked Mr. Chappell for attending the monthly meetings; expressed concerns regarding traffic at the primary school and the high school; referred to a question presented at the candidates' forum regarding school safety and suggested a staging area be put into place at the primary school, and that lighting be improved at the high school parking lot*
- *Supervisor Campbell: Thanked Mr. Chappell for attending the monthly meetings and for his level of excellence; referred to a question presented at the candidates' forum regarding support of the local schools, and advised that every taxpayer supports the public school system whether they have students enrolled or not; concurred with comments (made by Supervisor Weakley) regarding the poor lighting at the high school parking lot*

#### 5. Committee/Organization

##### 6. Finance

##### a. Claims for October 2017:

\$ 79,669.08 (10'6'17)

\$160,511.43 (10'10'17)

\$240,180.51 (Total)

The Finance Director raised concerns as to whether the proposed funding for the Healthy Families Program will come DSS funding or another funding source for the local match. She noted that based on what Ms. Ward has indicated, a state funding formula is in place for the proposed program and it's uncertain whether the County can take 'hours' (funded through the State) and consider this as a local match against other stated funding dollars.

After discussion, Chairman Jackson suggested the Finance Director discuss the aforementioned concerns with Ms. Ward and provide feedback to the Board on this matter.

#### Highlights:

\$33,725.00 (pass through funds for State Fire Funds)

\$149,419.00 (New Ambulance [50% funded through state grant + 50% funded through FY17 funds that have been allocated])

\* Above items equal 80% of today's total claim amount

Supervisor Campbell moved that the Board approve claims totaling \$240,180.51 as presented, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

##### b. Supplemental Appropriation(s)

**i. State Fire Program Funds (MVFC) [#07\_10102017]:** The Finance Director advised that a supplemental appropriation is needed for the State Fire Programs. Allocation for FY2017 is \$43,725.00 - \$41,500 [budgeted funding] = \$2,225.00 to be supplemented as pass through funding to the Madison County Volunteer Fire Company.

Supervisor Campbell moved that the Board approve Supplemental Appropriation #07\_10102017 as a pass through to the Madison County Volunteer Fire Company in the amount of \$2,225.00 as presented, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**ii. Sheriff's Department (Insurance Proceeds) [#08\_10102017]:** The Finance Director advised that a supplemental appropriation is needed for the Sheriff's Department. These funds were received following damage to a 2016 explorer as a result of a vehicular accident.

Supervisor Weakley moved that the Board approve Supplemental Appropriation #08\_10102017 for the Sheriff's Department in the amount of \$1,922.85 as presented, seconded by Supervisor Campbell. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**iii. Building Official Services (from Culpeper County) [#09\_10102017]:** The Finance Director advised that a supplemental appropriation is needed to cover temporary building services from Culpeper County; this request will need to be allocated from the contingency reserve fund. There may be some savings in other budget categories for the Building Department which may provide a positive end result.

**Comments from the Board:**

- *Chairman Jackson: Advised the public that the County is planning to work with Culpeper County to provide temporary building services to Madison County; the amount for the services will be charged at \$50.49 per hour plus mileage; questioned a discrepancy regarding the amounts being requested to be supplemented*
- *Supervisor McGhee: Advised that the amount being requested appears very reasonable for the services that will be required*
- *Supervisor Campbell: Suggested the County appropriation some funding; additional funding can be needed if needed*

The Finance Director advised that the amount to be supplemented is \$9,088.00.

Supervisor Campbell moved that the Board approve Supplemental appropriation #09\_10102017 for temporary Building Official Services from Culpeper County in the amount of \$9,088.00 (to have the funds available) as presented, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**c. Resolution #2017-8 [Regarding a Lease Purchase Agreement for the Purpose of Financing Election Equipment]:** The Finance Director advised that the Board approved for the Registrar to purchase new elections equipment from Hart Industries, Inc. The equipment has now been delivered. Training is being provided. The endeavor includes an actual purchase agreement with the vendor and a financing component that has been structured as a lease purchase agreement. At this time, the financing company has requested that the County pass today's Resolution. Reference was made to the phrase concerning 'qualified tax exempt obligation' as noted in the resolution.

The County Attorney advised that he has provided input to the Finance Director on today's proposed resolution.

**Comments from the Board:**

- *Supervisor Campbell: Questioned the end result; noted it has been stated there will be an additional cost of \$8,000.00 for travel expenses to provide training; referred to the presentation (from the Madison Electoral Board) that the purchase had to be done, which he feels was untrue; noted that he wasn't in favor of making decisions based on crisis management, politics and lies; feels the County could've moved forward and conducted a paper ballot count for the upcoming election; suggested that a responsible state representative provide documentation to the County as to why the State wouldn't accept a paper ballot count of the upcoming election; noted that the Board agreed to finance a total of \$127,000.00 and suggested that any additional expense shouldn't be the County's responsibility; referred to the State's requirement that new equipment didn't need to be purchased un 2020 and what will happen in the event the State decides next year that the recently purchased equipment is no longer certifiable*

The Finance Director advised that no documents have yet been signed, but the financing company suggested that action be taken on the resolution at this time. It was also noted that the process calls for the County to sign off on the transaction and the finance company will pay the vendor the balance due for the purchase. She further noted that there was input regarding additional expenses, and that there was a provision in the original purchasing documentation to allow for a certain number of days that the vendor would spend in Madison to prepare election officials for the November election process, and a representative will also be on site 1-2 days for the upcoming election process. Once the aforementioned level of service is provided, there should be no need for any additional anticipated expenses to the County. The purchase involved twenty-four (24) voting units and there may be a possibility to purchase an extended warranty on the equipment (i.e. existing warranty expires 9/30/18) at a cost of \$100.00 per unit.

- *Chairman Jackson: Advised that Madison Electoral Board contacted the State office for information; feels the overall process requested by the State was shoddy*

The County Attorney advised that the County's concerns pertaining to 'add-ons' is legitimate. He noted that the resolution indicates that the financing is 'qualified tax exempt obligation' which means that the County could be provided a lower interest rate for the purchase.

The Finance Director advised that the agreement was negotiated at the State level.

- *Supervisor Weakley: Questioned if the Resolution should language regarding the agreed amount*

The Finance Director advised that the phrase 'Agreement Number 7942' noted in the resolution pertains to the exact dollar amount of the purchase.

Supervisor Weakley moved that the Board approve Resolution #2017-8 [Resolution Regarding A Lease Purchase Agreement for the Purpose of Financing 'Election Equipment'], seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, McGhee, Hoffman. Nays: (0). Abstain: Campbell*

## 7. Minutes:

### a. #31

Chairman Jackson called for corrections and/or approval of Minutes #31.

Supervisor Weakley noted a concern regarding Item 7 pertaining to the motion.

After discussion, it was the consensus of the Board to add Minutes #31 to the October Regular Meeting (#2) for discussion and action.

## 8. New Business

**a. Confirm County Administrator's Appointment to Various Committees:** The County Administrator advised that he'd like to have all the committees covered through the end of 2017. He noted that some of the liaison committees are locally controlled regarding membership and others may have designated numbers.

After discussion. Chairman Jackson suggested that he and Supervisor Hoffman will review the proposed committee list and provide recommendations at the October Regular Meeting (#2) under "Old Business".

Supervisor McGhee advised that the Jail Board will meet on Thursday and needs an "At Large" contribution from the County.

Supervisor Campbell moved that Jack Hobbs, County Administrator, be appointed to the Central Virginia Regional Jail Board as a County Liaison, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**b. Graves' Mountain Lodge Festival Permit – Lynn Graves:** Lynn Graves of Graves' Mountain Lodge was present and advised that due to an oversight, a Festival Permit is being presented for the upcoming Apple Harvest Festival scheduled for the next two weekends. The event will run from 10:00 a.m. to 4:00 p.m. each weekend denoted on the permit application.

Supervisor McGhee moved that the Board approve the Festival Permit as submitted by Graves' Mountain Lodge, seconded by Supervisor Hoffman.

## Discussion:

- *Supervisor Campbell: Referred to the definition of a primitive campground (as noted in the County's ordinance); feels the job of resolving this matter hasn't been taken care of by the Madison County Planning Commission and the Madison County Board of Supervisors; feels that County officials haven't done their job and haven't followed the guidelines as noted in the County's ordinances; the Graves' still do not have a permit to operate the campground despite the fact that they have submitted documentation and are still not in compliance; advised that in meeting with Susan Fortenberry (VDH), it was advised that the Graves' hadn't submitted the necessary paperwork*
- *Chairman Jackson: Advised that a public hearing will be held shortly on the County's ordinances; he advised that according to the Virginia Department of Health, the Graves' do have a permit in place with an expiration date of 4/30/18, signed by Susan Fortenberry (T/A Graves' Mountain Lodge), which was included in the packet when they applied for the last permit*

Lynn Graves advised that the lodge does have a permit in place to operate the campground approved by the State; he noted that when the bluegrass festival is held, the lodge does have to request a temporary permit because they will be exceeding the boundary of their current approved campground; the same process is followed for the Apple Harvest Festival. A temporary permit allows the Graves' to extend the boundary for more than 30 campsites.

*Ayes: Jackson, Weakley, McGhee, Hoffman. Nays: Campbell.*

Supervisor Campbell moved that 'according to the Ordinances of Madison County and the codes of Madison County, Madison County does not have a primitive campground ordinance and we cannot have a campground without all of the items in Section 15 adhered to, which they're not, so there is clearly a misunderstanding and a misinterpretation on absolute rejection of documentation here, and moved that the County exempt Graves' Mountain Lodge and its subsidiaries, from any further permits, ordinances or anything in the Madison County and make them legal to have all these functions and not have to come back to the Board of Supervisors for anything [and lets be done with this once and for all instead of dancing around.....]'

**\*Motion dies for the lack of a second\***

**Discussion:**

- Supervisor Campbell: Advised that (in his opinion) the Board is agreeing not to make Graves' Mountain Lodge legal and permanent, and keep this thing going on
- Chairman Jackson: advised that the health department would refer to a 'primitive campground' but the phrase is only for a 'campground'; he also advised that the proposed motion to allow the Graves' Mountain Lodge and its subsidiaries the right not to comply with ordinances, code, permits is a blanketed statement; further advised that the Graves' have asked for a solar farm which was turned down; verbalized disfavor of giving the business free reign to do whatever they'd like at the property; feels the motion will allow them the authority to put anything they'd like on the property; verbalized appreciation of what is being proposed (by Supervisor Campbell), but noted that this topic has been brought up for discussion several time; a public hearing will be held on November 1st; the health department has signed off on the permit and information provided by Ms. Fortenberry is inaccurate, as she did sign off on the campground permit with an expiration date of 4/30/18
- Supervisor Campbell: Advised that Ms. Fortenberry indicated that she signed the permit because the Board of Supervisor approved the campground; further advised that Chairman Jackson was a prior member of the planning commission and had the opportunity to read all documentation provided (5/1/13) pertaining today's topic; feels the commission refused to adhere to the County's ordinances and referred to the fact that he would like the Graves' to be legal

**9. Old Business**

**a. Rappahannock Juvenile Detention Center Board & Finance Committee Appointment(s) – County Administrator:** The County Administrator advised that the Board desired to make an appointment to the RJDC Board and the Finance Committee – an initial proposal has been provided for recommendation and action through the end of 2017:

Position	Appointee	Term Expiration
RJDC Commission Primary Member	Steve Hoffman	December 31, 2017
RJDC Commission Alternate Member	Bob Chappell	December 31, 2017
RJDC Finance Committee	Bill Campbell	December 31, 2017
RJDC Finance Committee Alternate	M.J. Costello	December 31, 2017

Supervisor Weakley moved that the Board approve the slate ....

- Chairman Jackson: Asked if Steve Hoffman had interest in serving, to which it was noted that he did not.

It was noted that Robert Chappell had verbalized a willingness to serve, to which he agreed to commit to do.

Position	Appointee	Term Expiration
RJDC Commission Primary Member	Bob Chappell	December 31, 2017
RJDC Finance Committee	Bill Campbell	December 31, 2017
RJDC Finance Committee Alternate	M.J. Costello	December 31, 2017

Supervisor Campbell advised of the service that Steve Hoffman has provided to the County.

Supervisor Campbell moved that the Board provide a letter of appreciation to Steve Hoffman, seconded by Supervisor Weakley. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0)*

Supervisor Weakley moved that the Board approve the slate to appoint:

Robert Chappell as the Primary Member of the RJDC Commission, Robert Campbell as the RJDC Finance Committee Member, and M. J. Costello as the RJDC Finance Committee Alternate (terms to end 12/31/2017), seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**b. VACo Voting Credentials for the Annual Business Meeting – County Administrator:** The County Attorney today's appointment is an annual event; VACo meets each November at the Homestead and is requesting that the County designate a delegate for this year's event.

- Chairman Jackson: Advised that the County Administrator has expressed an interest to be appointed as the delegate.

Supervisor Weakley moved that the Board appoint Jack Hobbs, County Administrator, as the County's delegate for the VACo meeting, giving him voting credentials during the VACo annual business meeting event, seconded by Supervisor Hoffman.

**Discussion:**

The County Administrator advised that his intention was to attend the meeting for one day and not the entire time of the event, but will do so if the Board elects such.

After discussion, the Board suggested that the County Administrator attend the business meeting session at his discretion.

*Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**C. Report on Pete's Auction Service Proffers:** Chairman Jackson suggested the item be labeled as **"WJ Carpenter Zoning Proffers":**

Chairman Jackson advised he attended a recent meeting with Mr. Jordan, Ms. Hoffman, Mr. DeNunzio (VDOT), Mr. Elliott, Ms. Grayson, Mr. Campbell and Mr. Hobbs. Mr. DeNunzio was asked to perform a safety study report which noted that the existing proffers (at the property) are unnecessary and may be causing more harm than benefit. He further noted concerns with removing the proffers without going through the appropriate process, waiving rezoning fees, the safety aspects of this situation and the requirement that the property owner must initiate the request to remove proffers in a conditional zoning situation. He suggested that if the proffers are removed for this particular case, the County might have to go back and remove proffers and/or review such for all independent parties.

**Comments from the Board:**

- **Supervisor Campbell:** Advised that (in his opinion):
  - ✓ Words still mean something (as noted in the existing proffers):

**PROFFERS**

1. *With the exception of restoring one structure destroyed by the snowfall of February 2010, no new construction is planned. Any new building, or addition to the present facility, will be submitted for review under applicable state and local regulations and ordinances, as well as a VDOT review of a highway traffic impact study provided by the property owner.*
2. *Any tenant hosting a special event, with traffic comparable to Pete's Auction Service, will be required to place a message board in a VDOT-approved location to inform highway users of the necessity to use caution regarding the special event ahead. In addition, a deputy in a marked law enforcement vehicle with blinking lights will be located at the site entrance, for a minimum of 2 hours.*

- ✓ Proffers do not specifically refer to Pete's Auction Service, Inc. (only used as a comparison)
- ✓ Mr. Elliott didn't apply for the rezoning (was Mr. Jordan)
- ✓ Property rezoned B-a (Mr. Elliott doesn't need anything else in place to operate his business)
- ✓ Current business use is allowed 'by right' in a B-1 zone
- ✓ Proffers state that 'no new construction would be planned in addition to the building destroyed by the snowfall of February 2010'
- ✓ VDOT approved the existing entrance on several occasions
- ✓ Reference was also made on a letter from Paul Russell of VDOT that stated: *"Regarding this project, we find no record of VDOT use of the term 'special event' (2011) [at the time the proffers were added]"*
- ✓ VDOT has never taken any type of action without proper documentation
- ✓ Former planning commission requested the proffers be in place in order for Mr. Elliott to be able to operate his business
- ✓ County imposed guidelines and is still involved in the matter (which he feels is wrong)
- ✓ Process is a sham – County turns its back on some things
- ✓ Mr. Jordan (landowner) doesn't need to make another application
- ✓ No one else in the County has been required to do what is being required of Mr. Elliott
- ✓ Former planning commission didn't want to see Mr. Elliott succeed
- ✓ Board has the power to turn today's matter around
- ✓ Feels there is no 'process' in place

- **Chairman Jackson:** Advised that:

- ✓ Mr. Elliott has a great business in place; valuable asset to the County
- ✓ Today's suggestion isn't the right way to treat local business in the County
- ✓ Referred to the Zoning Ordinance and state level requirements regarding turning lanes
- ✓ Proffers must be agreed upon by the applicant (WJ Carpenter – landowner) [which is an issue]

- ✓ Anticipates that past concerns will be a lesson learned for the citizens of Madison (regarding the election of future committee/board members)
  - ✓ Noted there is an appropriate 'process' to be followed
  - ✓ Referred to traffic study provided by VDOT (removal of signage and law enforcement)
  - **Supervisor Hoffman:** *Advised that:*
    - ✓ Someone will need to ask for a rezoning in order to get the matter resolved
    - ✓ Referred to State law that's in place
    - ✓ Feels that (in her opinion), a previous Board 'wronged' Mr. Elliott
    - ✓ Feels it's time for the 'wrong' to be corrected, but must be done the right way
    - ✓ Mr. Jordan (landowner) will need to request a rezoning and request that the existing proffers be removed
    - ✓ Verbalized favor of waiving the fees
    - ✓ Verbalized concerns with the Board changing things without following property legal channels (or may cause the County to do the same for all other cases of this nature)
  - **Supervisor Campbell:**
    - ✓ Advised that (in his opinion) the County didn't follow the 'process' when dealing with the recent festival permit (for the Apple Harvest Festival)
    - ✓ Referred to the VDOT study and questioned what would transpire if a fatality occurred at the next auction event (based on VDOT suggestions) [i.e. would the County hold Mr. Elliott blameless because he followed VDOT's suggested implementations regarding safety]
  - **Supervisor Weakley:**
    - ✓ Verbalized agreement with the 'process' and waiver of fees
    - ✓ Doesn't feel it's right to ask Mr. Elliott or Mr. Jordan (landowner) to pay for something that has already been approved
    - ✓ Verbalized appreciation of the information provided from VDOT that does address safety concerns
    - ✓ Noted that Mr. Elliott has advised that business operations will continue (either way [with/without proffers or additional rezoning])
    - ✓ Clarified that today's issue is directed at Mr. Elliott in any way
    - ✓ Hopes that the property owner (Mr. Jordan) can take action in a timely manner so the County can approve the request
    - ✓ Feels the majority of the Board is in agreement with entertaining an application from the applicant (landowner) and waiving all associated fees
  - **Supervisor McGhee:**
    - ✓ Verbalized appreciation of VDOT providing input on today's concern
    - ✓ Feels that information provided by VDOT will be the most responsible way to follow the 'process' to get the existing proffers removed
    - ✓ Advised favor of the Board taking action in order to shorten the 'process' (based on request presented by VDOT)
    - ✓ Feels that the Sheriff should weigh in on today's concerns and provide any ideas (if applicable)
    - ✓ Verbalized agreement of waiving fees in order to implement the 'process'
  - **Chairman Jackson:**
    - ✓ Suggested that Mr. Jordan (landowner) reapply for rezoning
    - ✓ Encouraged the Board to move forward, exclude any fees, and get the case on the commission's docket as soon as possible in order to get the existing proffers removed
    - ✓ Noted there is a reason for the Zoning Ordinance
    - ✓ Feels that the County would be liable for any potential accidents or fatalities at the property
  - **Supervisor Campbell:** *Advised that:*
    - ✓ The Board has been discussing a 'process' for the past several weeks - suggested the Board move forward with the process, waive the fees, and temporarily remove the 'need' while waiting on the 'process' to move forward
    - ✓ Feels the above referenced suggestion will remove any liability from the County in the event an accident or fatality should occur at the site as a result of VDOT recommendations to remove signage and law enforcement
  - **Chairman Jackson:**
    - ✓ Questioned if the Board has the authority to suspend a proffer
    - ✓ Feels that if the County doesn't go through with the 'process' and decides to suspend the proffers in order to eliminate any liability (upon the County), there may still be liability (upon the County) based on VDOT recommendations
- The County Attorney advised that the Board can't suspend the proffers and that a proper application needs to be signed and submitted by the property owner (Mr. Jordan).
- **Supervisor Weakley:**
    - ✓ Questioned if the Board needed to initiate a motion in order to move forward with the 'process'

The County Attorney advised that a motion wasn't necessary, if it's the Board's desire to proceed with the 'process'.

Pete Elliott was present and advised that he will have a conversation with Mr. Jordan (landowner), but wasn't certain if he would follow through with the 'process' (rezoning application) as being suggested. He further advised that he will continue to operate his business (for reasons that he verbalized at a recent meeting), and questioned if his business would fall under "Seasonal/Brief Use." He further advised that the site has VDOT approval, is zoned as B-1, and the definition of "Seasonal/Brief Use" (in the Zoning Ordinance) advised that he can 'operate no more than seventeen (17) days' – he currently operates four (4) days per month. He also noted that the business in Brightwood is operating in the same manner. In closing, he advised that the ordinance also states that "auctions are allowed by right under seasonal/brief use...."

The County Attorney advised that the amendment to "Seasonal/Brief Use" was adopted after the conditional rezoning, and that under the existing law, Mr. Elliott's business would fall under this category. He further noted that there is no evidence that Mr. Elliott is out of compliance with the existing proffers or in violation of the County's Zoning Ordinance in any fashion.

**Comments from the Board:**

- *Chairman Jackson: Questioned if a business on the property was to comply with the "Seasonal/Brief Use", would this suspend the proffers that are in place*

The County Attorney advised that "Seasonal/Brief Use" is under the current ordinance – a use allowed 'by right' in all zones; the current 'use' (at the site) would be a permitted use and doesn't negate the proffers that are in place.

- *Supervisor Campbell: Questioned if Mr. Elliott would be in violation if an upcoming auction was held without the signage and law enforcement in place, and if there would be any legal recourse on the part of the County*

The County Attorney advised that if the aforementioned scenario transpires (i.e. accident or fatality), the County will deal with it at that time.

- *Chairman Jackson: Noted that the proffers will still be in place for any type of use (at the site); concerns were verbalized in the event the aforementioned scenario; further feels the County will be liable if the proffers aren't carried through as required; feels the business that Mr. Elliott provides to the County is excellent and greatly appreciated*

Mr. Elliott advised that (in his opinion) the County can take action to waive the fees, and he'll discuss today's concerns with Mr. Jordan and decide whether they plan to proceed with today's suggestions.

- *Supervisor Campbell: Noted that "Seasonal/Brief Use" wasn't intended for today's use; feels the County isn't following the guidelines in the Zoning Ordinance with regard to operations of a retail store in an A-1 zone without a special use permit; feels the County 'bends the rules for some and not for others....'*

It was noted that the Board desires to work with Mr. Jordan to relieve proffers that are no longer appropriate since they are expensive to continue and VDOT has advised that the approved proffers as originally proposed by Mr. Jordan might have resulted in the creation of a less safe situation, but the Code of Virginia requires the property owner to initiate a change in proffers to an approved conditional zoning.

Supervisor Hoffman moved that the Board waive the fees for WJ Carpenter Company for the rezoning at the site in question, if the owner chooses to apply for rezoning, seconded by Supervisor Weakley.

**Discussion:**

- *Supervisor Campbell: Questioned if the Board is 'getting ahead of ourselves', as this matter hasn't been brought before the planning commission; verbalized concerns that if the County isn't planning to be proactive on some matters, how can fees be waived for an application that hasn't been submitted....' feels the County 'keeps dancing....' questioned if the Board could completely agree that if the application is brought forth, there will be no fees required of the applicant and/or landowner*
- *Supervisor Weakley: Advised that the aforementioned statement (made by Supervisor Campbell) is a single interpretation; noted that the Board is taking care of what the gentleman (Mr. Elliott) has requested and allowing him to have a conversation (with the property owner [Mr. Jordan])*
- *Supervisor McGhee: Noted that the County is trying to encourage the application; feels the waiver of fees is encouraging*
- *Chairman Jackson: Noted that the Board is trying to prevent any need for reimbursement (of cash), and to minimize the process for the landowner and business owner as much as possible*

*Ayes: Jackson, Weakley, McGhee, Hoffman. Nays: (0).*

- *Supervisor Campbell: Verbalized opposition to the motion based on the fact that he feels the Board doesn't need to vote*

**d. Mutual Aide Contract for Temporary Building Official Services – County Administrator:** The County Administrator advised that the proposed mutual aid contract in today's packet has been reviewed and approved; the Board has also approved funding during today's session.

The County Attorney advised the Board that today's agreement is only good through December 31, 2017 – the County will need to have something in place at that time.

Supervisor McGhee moved that the Board approve the Mutual Aid Contract Agreement for Temporary Building Official Services as presented, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

**e. Report on Reassessment Contractor Procurement – County Administrator:** The County Administrator advised that a recent meeting was held with a couple of the reassessment contractors and Brian Daniel, Commissioner, and was very productive; anticipates that about three (3) proposals will be received. Once the deadline for proposals has arrived, the committee will meet and negotiate; a contract should be provided to the Board at the October Regular Meeting (#2) to initiate a contract and get the reassessment process underway.

- *Supervisor Weakley: Questioned if notifications were left at each residence during the last reassessment process*

**f. Report from CIP Committee – Mr. Jackson:** Chairman Jackson advised that he and Supervisor Campbell attended a recent CIP meeting with Doreen Jenkins, Joe Parker (School Board Members), Jack Hobbs (County Administrator), Tina Cropp (School Finance Officer), Dr. Eberhardt (Superintendent), and Cathy Jones (Assistant Superintendent) to discuss a process for moving forward with the two (2) projects that have been discussed (i.e. HVAC at Madison Primary School & Window Replacement at Wetsel Middle School); the school system is speaking with their attorney regarding design/build, procedural architectural and engineering on the HVAC system. Supervisor Campbell provided pointers on structural criteria for the HVAC units. An RFP should be sent out shortly. The next meeting will be scheduled for Tuesday, October 17th to discuss information on the RFP.

- *Supervisor Campbell: Advised that the original CIP Committee was established with a school project; a MOU was established with specific guidelines and funding was allocated; verbalized concerns pertaining the Ameresco proposal and that the school system has about \$900,000.00 in funding currently available. Additional comments focused on concerns raised at a recent candidates' forum where it was stated that the school system didn't have available funding; advised that the Board of Supervisors is elected to manage taxpayer dollars and to provide funding to the school system when requested and deserved*
- *Chairman Jackson: Noted a difference of opinion concerning the future goals of the CIP Committee; felt that the meeting was constructive*

#### 10. Public Comment:

Chairman Jackson opened the floor for public comment.

The following individuals provided comment(s):

- ✓ *Bob Chappell: Advised of a report from the superintendent regarding the RFP; architect is being researched to provide work on the windows and HVAC system; anticipates that the school board will have the available funding to be appropriated at the designated time*

With no further comments being made, Chairman Jackson closed the public comment opportunity.

#### 11. Information/Correspondence

a. Blue Ridge Committee: Supervisor McGhee advised that he attended a recent meeting of the Blue Ridge Committee; meeting involved a tour of the Hoover Camp; feels the Blue Ridge Committee meeting offered some good value; accolades were provided to the members and the folks that organized the session

#### 12. Closed Session (if needed)

#### 13. Adjournment:

With no further action being required, on motion of Supervisor Hoffman, seconded by Supervisor Weakley, Chairman Jackson adjourned the meeting. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

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R. Clay Jackson, Chairman  
Madison County Board of Supervisors

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Clerk of the Board of the Madison County Board of Supervisors

Adopted on: October 24, 2017

Copies: Board of Supervisors, County Attorney & Constitutional Officers

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**Agenda**  
**Regular Meeting (#1)**  
**Madison County Board of Supervisors**  
**Tuesday, October 10, 2017 at 4:00 p.m.**  
**County Administration Building, Auditorium**  
**414 N. Main Street, Madison, Virginia 22727**



Call to Order

*Pledge of Allegiance & Moment of Silence*

1. Determine Presence of a Quorum / Adopt agenda
2. Public Comment
3. Constitutional Officers
4. County Departments
  - a. *Social Services Director Valerie Ward: Healthy Families Program for Madison County Program*
5. Committee/Organizations
6. Finance
  - a. *Claims for October 2017*
  - b. *Supplemental Appropriation(s)*
  - c. *Resolution #2017-8 [Regarding a Lease Purchase Agreement for the Purpose of Financing Election Equipment]*
7. Minutes
  - a. #31
8. New Business:
  - a. *Confirm County Administrator's Appointment to Various Committees*
  - b. *Graves' Mountain Lodge Festival Permit – Lynn Graves*
9. Old Business:
  - a. *Rappahannock Juvenile Detention Center Board & Finance Committee Appointment(s) – County Administrator*
  - b. *VACo Voting Credentials for the Annual Business Meeting – County Administrator*
  - d. *Report on Pete's Auction Service Proffers – Mr. Jackson*
  - c. *Mutual Aide Contract for Temporary Building Official Services – County Administrator*
  - d. *Report on Reassessment Contractor Procurement – County Administrator*
  - e. *Report from CIP Committee – Mr. Jackson*
10. Public Comment
11. Information/Correspondence (if any)
12. Closed Session (if necessary)
13. Adjournment

**\*AMENDMENTS NOTED BY STRIKETHROUGH AND ROYAL BLUE WITH YELLOW HIGHLIGHT\***